UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,886	01/07/2002	Van Jacobson	1293	5638

30748	7590	10/27/2005

INNOVATION PARTNERS
540 UNIVERSITY DRIVE
SUITE 300
PALO ALTO, CA 94301

EXAMINER
HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 June 2005_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-24 are pending in this office action.

2.   Applicant's arguments, filed June 25, 2005, have been fully considered but they are not persuasive.

Claim Rejections

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4.   Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Elgamal et al. US (5657390).

As per claims 1,9 and 17: Elgamal discloses a method of responding to at least one request for communication, comprising:

- Receiving the request from a client computer system intended for a server; (Col 7, Lines 12-15)

- Generating a response to the request sineprocessly; (Col 7, Lines 20-26) and

- Providing the response to the client computer system sineprocessly. (Col 7, Lines 20-40)

As per Claims 2,10 and 18: Elgamal discloses the method of claim 1 additionally comprising:

- Receiving from the client computer system a response to the response provided; (Col 7, Lines 41-47) and

- Providing the request to a server responsive to the receiving the response to the response step. (Col 7, Lines 52-56)

As per claim 3,11 and 19: Elgamal discloses wherein the providing a response step comprises assigning a first identifier to the request; (Col 7, Lines 20-24 / connection_identification) and additionally comprising:

- Receiving from the server a response to the request provided to the server, said response to the request provided to the server comprising a second identifier; (Col 8, Lines 32-35/session_identification) and

- Associating the first identifier with the second identifier. (Col 9, Lines 6-9)

As per claims 4,12 and 20: Elgamal discloses the method of claim 3 additionally comprising:

- Receiving from the client computer system following the receiving from the server step a first subsequent communication comprising the first identifier (Col 10, Lines 3-6); and

- Providing to the server a second subsequent communication comprising at least

  a portion of the first subsequent communication having the first identifier replaced

  with the second identifier. (Col 10, Lines 20-24)

As per claims 5,13 and 21: Elgamal discloses the method of claim 4 wherein the

providing to the server the second subsequent communication step is responsive to a

first criteria corresponding to a second criteria of the server. (Col 10, Lines 11-17)

As per claims 6,14 and 22: Elgamal discloses the method of claim 1 wherein the

request comprises a client hello. (Col 7, Line 13-14)

As per claims 7,15 and 23: Elgamal discloses the method of claim 6 wherein the

response comprises a server hello. (Col 7, Lines 20-21)

As per claims 8,16 and 24: Elgamal discloses the method of claim 1 wherein at least

one selected from the response and the request comprises a communication in at least

one format selected from SSL and TLS. (Col 6, Lines 38-45)

Response to Arguments

5.   Applicant argues the definition of "sinprocessly" was clearly defined in the

specification and therefore the rejection is incorrect because Elgamal does not teach

generating and providing a response to the client sineprocessly.

Regarding applicant's arguments, examiner disagrees with applicant. The definition of sineprocessly says that any or all of the source IP address, source port, and protocol identifies the client. If the client is identified by **any** of the above, and the source port is chosen, a client cannot be determined from just a source port. Similarly, a source IP address cannot correctly identify a client. To properly identify a client, there needs to be an IP address along with a port. By simply saying the server handles subsequent requests from a client by its port would not derive at an operable device. For example, a server that identifies port 443 (common port number for SSL) would obtain a whole list of client devices. Similarly, only identifying a client by IP address, 123.456.789.012 might get the right client, but would it be for FTP, HTTP, SSL, etc. Therefore, "sineprocessly" lends way to a confusing, if not nonfunctional, definition. Also, it cannot be determined from the independent claim if only a client and server are existent, or if a third device is involved which intercepts the client-hello message and responds to that.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,449,647 to Colby et al., 6,389,462 to Cohen et al., and 6,006,264 to Colby et al. all disclose a device between the server and client that intercepts requests from clients and provides responses to the client.

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brandon S. Hoffman whose telephone number is 571-

272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

BH

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100